

5 *CONSULTATION AND COORDINATION*

5.1 *Introduction*

In response to Emerald Creek Garnet Ltd.'s (ECG's) application for a Section 404 permit to temporarily impact jurisdictional wetlands and waters by garnet mining activities and other discharges of dredged and fill material, the United States Army Corps of Engineers (USACE) determined that the preparation of an Environmental Impact Statement (EIS) would be required prior to a decision regarding the issuance of 404 permit. In accordance with the requirements set forth in the National Environmental Policy Act of 1969 (NEPA) and the Council of Environmental Quality (CEQ) regulations (1978) for implementing NEPA, a consultation and coordination program was developed and implemented for ECG's proposed mining of garnet reserves within the St. Maries River floodplain. The purpose of the program was to ensure that all appropriate members of the public, as well as federal, state and local agencies, were contacted, consulted and given adequate opportunity to be involved in the establishment of alternatives to be evaluated in the environmental impact analysis process.

This section describes the public and agency scoping process, the consultation and coordination program, issues and concerns identified from public and agency comments and summarizes the consultation and coordination with the USACE, United States Environmental Protection Agency (USEPA), and other agencies in the development and screening of mining and reclamation alternatives evaluated in this Draft EIS (DEIS).

The major milestones in this EIS process include the following:

- publication of a Notice of Intent (NOI) to prepare an EIS;
- scoping by inviting public and agency input to determine and define the significant issues to be addressed in the EIS;
- collecting information on the existing environment, including field studies, to provide a baseline for analyzing the effects of the proposed action and alternatives;
- assessing the potential impacts of the proposed action and alternatives on the environment;
- preparation and distribution of a DEIS for public review and comment;
- a public review period, including public hearings to solicit comments on the analysis presented in the DEIS;
- preparation and distribution of a Final EIS incorporating all comments received on the DEIS and responding to the substantive issues raised during the public review period; and
- publication of the Record of Decision (ROD) outlining the USACE's decision (no sooner than 30 days after the availability of the Final EIS).

5.2 *Public and Agency Scoping Process*

CEQ regulations (40 Code of Federal Regulations [CFR] 1501.7, 1506.6, and 1508.25) and USACE Procedures for Implementing NEPA (33 CFR 230) require an early and open process for identifying significant issues related to a proposed action and obtaining input from the affected public prior to making a decision that could significantly affect the environment. These regulations specify public involvement at various junctures in the development of an EIS, including public scoping prior to the preparation of a DEIS and public review of the DEIS prior to finalizing the document and making a decision.

5.2.1 *Notice of Intent*

In accordance with CEQ regulation (40 CFR 1508.22), a NOI to prepare a DEIS for ECG was published in the *Federal Register* on October 22, 1998. Publication of a NOI was the first step in EIS preparation and began the scoping process. The NOI included:

- A description of the proposed action and alternatives;
- A description of the proposed scoping and public involvement process; and
- Proposed schedule and contact information.

5.2.2 *Open House and Scoping Meeting*

After public notice appeared in *Spokesman Review* and the *St. Maries Gazette Record*, an open house and scoping meeting were held on November 6, 1998. The open house was held at ECG's headquarters in Fernwood, Idaho from 9 am to 3 pm. Following the open house, the scoping meeting was held at the Idaho Panhandle National Forest office in Coeur d'Alene from 7 pm to 9 pm.

Scoping Comments

Soliciting comments from various federal, state, and local agencies as well as interested organizations and individuals is a critical step in the EIS preparation process. The comments are used to obtain the most accurate and current environmental information and to incorporate agency and public views and regulatory guidance into planning and decision-making. A total of seven people attended the open house and 16 people attended the meeting, with two people providing oral input in support of ECG activities and the proposed action. In addition, nine written comment letters were received. Agencies and organizations that provided written comment letters are identified in Table 5.2-1.

Table 5.2-1. Scoping Comment Letters

| <i>Agency</i> | <i>Contact</i> | <i>Date of Letter</i> |
|--|---|--|
| Idaho Department of Lands (IDL) | Jim Brady, Mineral Resources/Navigable Waters | October 15, 1998 |
| U.S. Department of Interior, United States Fish and Wildlife Service (USFWS), Upper Columbia River Basin Field Office ¹ | Philip Laumeyer, Field Supervisor | November 10, 1998 November 20, 1998 |
| Idaho Department of Health and Welfare, Division of Environmental Quality | Mike Hartz, Water Quality Compliance Officer | November 13, 1998 |
| Kootenai Environmental Alliance | Mike Mihelich, Forestry Committee | November 17, 1998 |
| The Ecology Center, Inc | Jeff Juel, Field Representative | November 23, 1998 |
| USEPA, Region 10 | Richard Parkin, Unit Manager | November 25, 1998 |
| Benewah Soil and Water Conservation District | Jon Denny, Vice Chairman | December 2, 1998 |
| Idaho Department of Fish and Game, Panhandle Region | Greg Tourtlotte, Regional Supervisor | December 7, 1998 |

Note: 1. As part of informal consultation, the USFWS provided a species list in addition to scoping comments.

The purpose of the scoping process is not only to characterize significant environmental issues that warrant further study or evaluation, but also to identify issues that are not significant so that the environmental analysis and EIS will remain focused. This includes alternatives considered and eliminated and their rationale for elimination and alternative to be carried forward and evaluated in detail in the DEIS. Table 5.2-2 presents a summary of issues and comments identified during the scoping process. These issues and comments are grouped by resource and provide information on agency and organization concerns or suggestions of information to be included in the DEIS or addressed by ECG.

**Table 5.2-2. Summary of Scoping Issues and Comments
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| <i>Resource</i> | <i>Issue/Comment</i> |
|-----------------------------------|--|
| Water Resources/ Water Quality | <ul style="list-style-type: none"> • Analysis of any expected negative environmental effects to proposed mining sites if there were to be increased water flows to the river due to logging activities • Avoid direct and indirect impacts to stream channels and riparian corridors within the project area • Avoid all direct point source discharges to stream channels and wetland areas • Storm water runoff associated with mining sites should be managed and treated to effectively remove sediment prior to discharge from mining sites • Erosion, sediment, and storm water best management practices (BMPs) should be developed pursuant to National Pollutant Discharge Elimination System (NPDES) permit requirements • Mitigate all impacts to wetlands • Technical studies should include localized groundwater hydrology • Identify potential short and long-term water quality problems from placer mining • Include provision of adequate buffers between work sites and the river to adequately protect water quality, including potential changes to water clarity or water temperature from modifying ground water sources • Maintain (or improve) the integrity of the floodplain • Maintain or improve stream bank integrity • Prepare a hydrologic study to evaluate the potential impacts on floodplain storage, stream channel morphology, wetland hydrology, and groundwater hydrology • Comply with NEPA and CEQ regulations and Water Quality Standards as set forth by the USEPA • Minimize impacts to wetlands • Disclose appropriate compensatory mitigation for unavoidable wetland losses • Inventory and fully describe in terms of area, function and value all wetlands in project area |

**Table 5.2-2. Summary of Scoping Issues and Comments
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| <i>Resource</i> | <i>Issue/Comment</i> |
|----------------------------|---|
| Biological Resources | <ul style="list-style-type: none">• Address temporary and long term impacts to fish and wildlife through loss of vegetation, disruption of wetlands, and impacts to water quality• Consider timing of work to avoid disturbance to nesting or brooding wildlife, especially waterfowl• Avoid the removal of any large trees which provide shade to the river, or adjacent wetlands, and/or which may be valuable for perching, roosting, or nesting by raptors, or nesting by cavity dependent bird species• Consider the needs of non-game species, such as amphibians and song birds• Consider the potential impact on furbearers• Prepare a vegetation management plan including control of exotic/invasive weeds• Discourage the use of any chemical fertilizers• Comply with the Migratory Bird Treaty Act• Address impacts to aquatic species |
| Endangered Species | <ul style="list-style-type: none">• Be consistent with Section 7 of the Endangered Species Act (ESA)• Prepare a Biological Assessment (BA) |
| Fisheries | <ul style="list-style-type: none">• Describe in detail the current condition of fisheries habitat and list fish species• Detail short and long term effects to habitat• Include possible mitigation to improve fisheries habitat• List past improvement projects and current status |
| Cumulative Effects | <ul style="list-style-type: none">• Analyze direct and indirect effects from past and/or current logging activities• Analyze cumulative impacts downstream |
| EIS Preparation and Format | <ul style="list-style-type: none">• Scoping notice was incomplete• Timing of placer and dredge mining application to IDL |

5.3 Consultation

A project kick-off meeting and inter-agency coordination and consultation meeting was held in October 1998 to discuss issues, scoping, schedule and ECG's proposed action (mining plan). After which, ECG prepared a Draft Plan of Operations and several review meetings and a field visit occurred. The field participants included USACE, Walla Walla District and Omaha District, Idaho Department of Environmental Quality (IDEQ), USFWS, and IDL. Meeting participants included representatives of USACE, USEPA, Boise Office, ECG, IDL, and SAIC.

In 1999, Seattle and Boise USEPA office personnel met on-site to inspect the proposed mining areas. A final pre-application review was held in December 1999. The meeting was attended by representatives of USACE, USEPA, USFWS, IDEQ, ECG, and SAIC. ECG completed a revised Plan of Operations in February 2002. Additional information concerning the collaborative alternative formulation and review process is included in Volume II, Appendix B.

5.4 Public and Agency Comment Period

This DEIS is a comprehensive document for public and agency review. Scoping comments were used in the preparation of this document. The DEIS was distributed to applicable agencies and members of the public who have requested copies. A list of all parties who received this document is included in Volume I, Appendix A.

5.4.1 Notice of Availability

The 45-day comment period for this DEIS began when the NOA was filed in the *Federal Register*. The NOA announced the availability of the document and information on how to submit comments on the DEIS.

5.4.2 Public Hearings

Public hearings will be held during the 45-day comment period in order to give citizens and agencies an opportunity to comment on the DEIS after their review and evaluation of the document. The hearings provide a direct mechanism for the public and agencies for submitting comments. The Final EIS prepared following the comment period will be revised to reflect public and agency comments submitted during the comment period. A NOA announcing the publication of the Final EIS begins a 30-day waiting period before the ROD is signed.